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BY
ROBERT BATTEY, M.D.,
ROME, GEORGIA.



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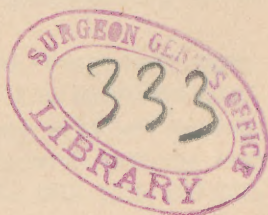


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presented by the author,

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BY ROBERT BATTEY, M.D.,
Rome, Georgia.

GENTLEMEN: In March last a communication was addressed to me, signed by well nigh every member of the Society, asking that the place of meeting for the current year be changed from Boston to Washington City. Since our last meeting the several special societies united to form a Congress of American Physicians and Surgeons had arranged for a joint meeting to be held in Washington upon the same days which had already been allotted to our session in Boston. A number of the members of this Society are likewise members of one or another of the special societies uniting in the Congress and were forced to elect which to attend. Many other members of this Society were especially desirous to avail themselves of the opportunity which would be offered at Washington to meet distinguished gentlemen from abroad, as well as the large number from our own country likely to gather in the proposed Congress.

The reasons assigned for the desired change were cogent ones, in the interest of the Society and of its individual members. Upon the other hand, the Society, at its last meeting, in New York, had authoritatively declared that the next meeting should be held in Boston on the 18th, 19th, and 20th of September, 1888.

In the change proposed were involved the rights and privileges of individual members of the Society residing in Boston and Washington respectively. This contingency had been

fully provided for, and the unanimous consent of these members obtained.

I have felt it to be my duty to comply with the expressed wish of the members of the Society; a wish expressed with so near an approach to unanimity as to leave scarcely a dissenting voice. I do not feel called upon to discuss the question of the power of the President of the Society, under our Constitution, to change the time or place of our meetings. The American Gynecological Society is an organization avowedly formed for the cultivation of science only. Medical politics do not enter at all into its plan or purposes. This is no field for the exercise of the skill of the parliamentary tactician or the political wire-worker. The prime object in the adoption of our Constitution and By-laws was to lubricate the wheels of scientific progress, not to clog and hinder their movements.

Our annual meetings take place in the larger cities of the country. The unlooked-for occurrence of a prevailing epidemic of disease might, in any year, threaten the success of a meeting of the Society so seriously as to make it expedient to transfer the session for the year to some neighboring city more eligible for the time being. Contingencies are liable to occur any year which may render the time fixed for a meeting an undesirable one, and a change to some other date might greatly promote the objects for which we assemble.

There seems to be no good and sufficient reason why the Society should be so hampered as to be denied the privilege of availing itself of a simple remedy for such untoward contingencies which might stand in the way of its useful work.

It is not, in my opinion, at all necessary that a change in our Constitution should be made in order to effect the purpose in view. It would be difficult to devise a safer and better method of accomplishing the purpose than the one adopted in the present instance. So long as the President but speaks the voice of the whole Society in such matters there can be no room for abuse of the power which he exercises. The fact

that the power which he invokes is an extraordinary one will, in itself, naturally lead the one exercising it to due care that he shall represent the sentiment of the whole membership and not of a bare majority.

The action taken in this instance is not without a precedent in our own proceedings. For, at our second annual meeting held in Boston, and with the same constitutional restrictions we now have, it was decided to hold the next meeting of the Society in the city of Philadelphia on the 11th, 12th, and 13th of September, 1878. Subsequently, for good and sufficient reasons, and by a method similar to the one adopted in this instance, the time of the meeting was changed to September 25th, 26th, and 27th of that year.

OUR VACANT CHAIRS.

Under the Constitution of this Society, adopted at its organization in 1876, the active membership in the Society was limited to sixty. At the sixth annual meeting, held in 1881, an effort was made to increase the limit of active Fellows from sixty to one hundred, but the effort failed. In 1884 another attempt was made and the Constitution so amended as to extend the limit to one hundred active Fellows.

In looking over the roll it appears that the original restriction of membership to sixty has not yet been reached in the history of the Society, fifty-eight being the highest number as yet recorded in our annual volume of *Transactions*. The original design in thus restricting our number to sixty was to confine the body to a comparatively small number of active and diligent workers, who would be able to scan and criticise intelligently the papers offered and discuss their merits more satisfactorily than would be possible in a large body of a more miscellaneous character.

That this position was well taken at the outset is, I think, amply attested by the tables of contents of the twelve volumes of *Transactions* which have thus far been issued, coupled with

the notable fact that these volumes are eagerly sought for at the booksellers and in our public libraries, and so often quoted as authority by standard writers in Europe as well as in our own country.

During the twelve years of our corporate existence the number of our members has increased from thirty-nine to fifty-eight, and the average annual number for the twelve years has been fifty-one. The records show that the number of active Fellows in attendance upon our annual meetings has varied from nineteen to forty-four, and the average of the twelve years has been twenty-nine.

When we consider the fact that our active fellowship is made up chiefly of busy specialists in large and lucrative practice in the great business centres of our widely extended continent, who must necessarily make great professional and pecuniary sacrifices in order to be present at our meetings, an average attendance of twenty-nine out of an average membership of fifty-one must be regarded as quite creditable to the interest and zeal of our Fellows.

Pushing this investigation a little further, I find that there has been present at the three meetings held in New York no less than seventy per cent. of our Fellows; at the two meetings in the city of Philadelphia sixty-five per cent.; at two meetings in Baltimore fifty-eight per cent.; at two meetings in Boston fifty per cent.; at one meeting in Washington forty-three per cent.; at one meeting in Chicago forty-one per cent.; and at one meeting in Cincinnati thirty-nine per cent. These figures not only show the wisdom of the policy heretofore pursued, of holding our sessions chiefly in the great centres upon our eastern border, but they also show strikingly the interest felt by our Fellows in the meetings of the Society. Surely there are very few medical organizations anywhere which can make so good an exhibit in the attendance of their members.

The Society has held its twelve annual sessions, and two of our Fellows now before me enjoy the distinction of having

been present at every one of these meetings. Two others have attended eleven meetings, and three have been present at ten of these sessions. But one of our founders (who is now deceased) has failed to register his name at some one of our annual gatherings. But one of our members by election has habitually absented himself, and in this case the absence has been atoned for in part by voluntary contributions of papers of general interest.

In reviewing the voluntary papers embodied in our *Transactions*, I find that one Fellow has evidenced his devotion to the Society by the presentation of no less than ten such papers, many of them elaborate and scholarly, and all of practical value. Another has contributed nine papers, which have been read and studied upon both Continents. Two Fellows have contributed each eight voluntary papers; two, seven each; three, six each; eight, five each; and eight, four each. Only three of the older Fellows, who have been some years with us, are not down upon the record of voluntary papers, but these have done more or less good work in the discussions of the Society. Our record in this regard is one we may point to as being not only satisfactory but the subject of mutual congratulation.

Faithful and excellent as the work of this body has certainly been in the past, and untiring as we may be in the present, there comes a time to all men when the brain as well as the hand tires of exertion and must have rest. A time when the machinery by reason of age upon the one hand, or of overtasking its powers upon the other, becomes so worn and rickety as no longer to be useful for effective exertion. We must look to the younger and stronger men in the profession to replace, year by year, the weary and the worn in this work. Surely our resources for recruiting our ranks are not wanting.

In the past America has been, in a sense, the home of gynecology. To-day no country can boast of so large a number of intelligent workers in this department of the healing art. In

our vast country the number of medical practitioners who devote themselves exclusively to gynecology is quite large, whilst those who make it a leading pursuit are to be counted by thousands. Surely out of this army of gynecological specialists one hundred men can be found who might worthily occupy places as working Fellows in this Society. Why is it, then, our seats remain year by year scarcely more than half filled?

Whatever may be the true answer to this question, it can be safely asserted that membership in this Society is not undesirable. Of those already in our ranks it may be said, in general terms, as has been mournfully alleged of federal office-holders, "few die and none resign." In our own country there is no society whose certificate of membership carries with it so strong a presumption of professional qualifications. There is none whose Fellowship is so sure a passport to professional recognition in foreign lands.

When I say to you in all sincerity, if I were to-day outside, instead of inside, the ranks, my self-distrust would forever bar me from becoming an applicant at your doors except upon special invitation, I can but feel that I am verging toward the true explanation of our forty-two vacant chairs. Diligent workers in medical science are, with an occasional exception which but proves the rule, modest gentlemen, not at all inclined to push themselves where they are not wanted. It is this class of members which we especially desire, and it is this class, too, who are least likely to make application for the Fellowship without some advance on our part which would give probable assurance of welcome.

The vacancies in our membership might be filled by either of two methods, namely, first, by opening a wider door and lowering the standard of qualifications in candidates; secondly, in some proper and delicate way to invite applications for the Fellowship. To adopt the former method would involve a confession of weakness in our plan of organization which the

facts of our past history clearly disprove. Such a proposal would meet with vigorous and well-deserved opposition, and it may well be dismissed from our consideration as an expedient not to be thought of in this Society.

The Society, exercising as it does the absolute right to demand of applicants for its Fellowship evidence of their qualifications for our special work, and sitting in judgment upon the sufficiency of the evidences offered, could not with any propriety invite gentlemen to submit themselves to its censorship. But it is worthy of inquiry whether the individual Fellows residing in the different States might not take this matter in hand with advantage. Could they not confer together and make judicious selections of candidates from their States? Might they not in their individual capacity in proper terms encourage such persons to become applicants for Fellowship without the giving of any definite pledges or assuming any undue responsibility? Might they not look over the profession of any adjoining States, in which we have no Fellows, and make judicious selections? Might they not go still further, and consider the fitness of gentlemen residing in States where we already have active Fellows, and suggest by private correspondence and in proper way their opinion of the fitness of such persons, leaving to their own immediate neighbors, who know them best, the decision of the questions raised?

To render this method of filling our ranks effective, it is necessary that we fully realize the advantages of increasing our numbers. If we fail to do this, it were better that we return again to our original limitation of sixty. If it is really our desire to extend our numbers to one hundred, we have only to manifest that desire by a little diligent work and the purpose will soon be accomplished. Ought we not to be taking steps in this direction without further delay?

HAVE WE A STATUTE OF LIMITATIONS IN MEDICINE AND SURGERY?

From an early period in the history of the world civil governments have been accustomed to recognize certain rights in newly discovered territory based upon the fact of discovery. Property rights, too, have been accorded freely to those who have acquired them by conquest either by driving from unimproved lands barbarous tribes by force of arms, or in the more peaceful methods of the husbandman by felling the primitive forest and subduing the rank soil by use of the plough, into productive fields for the supply of human wants.

In the progress of civilization, too, it has grown to a custom to recognize in discoverers and inventors certain property-rights in the results of their ingenuity and enterprise. In order to avail one's self of these governmental grants and privileges, it is everywhere required that the claimant shall give early and proper notice to the public of his claim, accompanied by such specifications as will clearly set forth its nature and extent. Failing to give such notice and file such specifications within reasonable time, the claimant is barred by certain laws enacted for the protection of interested parties, as well as the people in general, and known as statutes of limitations.

Our statutes of limitation in cases of debt are based upon the old English statute, which limited the creditor to six years in which to assert his rights, and the debtor to a like period for the preservation of his evidences of payment. These laws are based upon the legal presumption that debts which have remained unclaimed for six years have either been paid, or have ceased to have binding force by reason of indifference and neglect on the part of the creditor.

In the case of claims by title for land the period has been lengthened to twenty years, but this privilege is restricted to written evidences of title which have been duly signed, sealed,

and delivered, and officially recorded, thus giving due notice to the public at large. In the absence of such record and public notice the exclusive title of the claimant is, in general, restricted to the short space of one year. It would be a hardship indeed to allow a claimant for land to hold his titles in secret for an unlimited number of years, whilst the party in possession is expending his labor and his money without stint in the improvement of the estate, and with the purpose of building up a property for the future enjoyment of himself and his posterity.

Our statutes of limitations, too, are traceable far beyond the English common law to a Divine origin; for in the earlier periods of biblical history we find that the services of a bondsman were limited by the Mosaic law to the space of six years.

A claim by title based upon the right of discovery of new territory made by a government officer, commanding a government vessel, fitted out and manned at public expense for the purpose, is everywhere disallowed. Whilst it is customary to grant some gratuity in lands, in money, or in honors to the discoverer, the right and title to the newly acquired possessions vest in the Crown or in the government fitting out the expedition.

In medicine individual members of the profession receive freely and without price their outfit for life's work from the common stock of human knowledge. They are under solemn obligations to use it for the common good, and to add something, in their day and generation, to the accumulated fund from which they themselves have freely drawn. Discoveries and inventions which they may make in the use of this common fund vest no exclusive title in them to such advancements. They may justly claim credit for their labor and proper recognition of their merits as discoverers, but the right and title to the things discovered vest not in them but in the medical profession itself, which has furnished them from its storehouse of centuries the tools and the outfit with which they labor.

When such discoverers conceal from the world for years the things discovered, do they not thereby forfeit all claim to recognition and forever bar themselves under a statute of limitations? When they persistently neglect to bring their discoveries before the profession, do they not as effectually bar themselves under the statute by reason of such indifference and neglect?

A traveller discovers by the wayside a pretty pebble. He picks it up, admires its translucency for a time, and throws it down. Another traveller, treading in his footsteps, picks up the same pebble, and seeing beneath its rough exterior the sparkle of a true diamond, proceeds to have it cut and set for use. To which of the discoverers belongs the precious gem? One discovers a naked fact, and contenting himself with the empty discovery holds his peace. Another makes the same discovery, and recognizing its great value puts it to use, and presses home upon the profession the recognition of the importance and value of the new addition to human knowledge or to the resources of human art. Which, think you, is the real discoverer? Is not the former effectually barred by reason of his failure to apprehend the true value of the thing discovered and to press it to its full recognition and general use?

If the discoverer of a new fact or process should write and publish a book covering the subject embraced in his discovery, it would naturally be expected that he would avail himself of so fitting an opportunity to bring his discovery before the medical world. This would be especially natural and proper if his discovery were of so important character as to be likely to prove of infinite service to suffering women. It may safely be assumed that most authors would even go so far as to stop the press, whilst the book was in progress, in order to herald to the world the news of so valuable a discovery. Under such circumstances the exhibition of personal modesty or self-abnegation which would lead the discoverer to content himself with discussing the principles only, refraining from all mention of his own important original work,

whilst another claimant might perhaps be actively proclaiming it from the housetop, would be so extraordinary as to call for the fullest explanation. Would not such astonishing self-denial put the case fairly within the statute of limitation?

In former times, before the organization of the numerous medical societies which now exist in every civilized land, and when the medical journal was unknown, there was excuse for failure to bring one's original work and discoveries promptly before the medical world. Now the facilities for communicating such information are widespread and ample. Pioneers are not only offered abundant opportunities to communicate with the profession, but they are often urged and importuned to do so by the enterprise of medical journalists and the officers of medical societies. One who in this day locks up in his own bosom, and for years, the knowledge of a valuable discovery may well be asked if he has not forfeited all claim, under a statute of limitation, by reason of his concealment or neglect?

It is a poor student of human nature who has not learned that the record of the diagnosis of a case honestly entered in the case-book at the outset, reads very differently from one which is written down from memory after the autopsy has been held. It is always easier to look backward than forward in such matters. If one may be allowed to go back for years and bring forth cases from his note-book, or from the prolific storehouse of memory, and put his own matured interpretation upon them, the road to fame would become a highway of easy ascent.

A quaint Southern humorist (Bill Arp), in his rural phraseology, gives utterance to a homely truth when he says, "If our foresights were only equal to our hindights, we would do many things differently." In a contest for priority between two claimants, if one is restricted to the use of his "foresights" only, whilst the other is allowed to bring into play his "hindights" also, the result of such unequal strife would seldom be doubtful.

Medical men are presumed to be honorable gentlemen whose word is a bond. In general, we may safely trust them to record their cases accurately, whilst fresh in mind, and accept their statements with confidence. When, however, years have gone by, man in his best estate is but human, memory is treacherous and uncertain. He who rests himself upon it with greatest confidence is by no means the one most to be trusted for his accuracy of statement. Honest and truthful men are, in general, accustomed to watch themselves most closely.

It may pertinently be asked, Is the *ipse dixit* of an operator, after the lapse of years, to be accepted as conclusive proof of the authenticity of his cases? Is the testimony of patients themselves satisfactory evidence of work done within the abdomen whilst they were under the influence of an anæsthetic years before? Do such assertions throw upon the medical profession at large the onus of proof that such operations were not done in manner and time as stated? It may safely be answered that the medical world recognizes no such obligation, but leaves to claimants, themselves, the task of authenticating their own cases, and of fully and clearly substantiating their own claims.

To allow such latitude to claimants would be but to open a wide door to untruthful and dishonest persons, if, indeed, any such could be supposed to have gained admission to the ranks of a high and noble profession, through which they might find ample room to bring in cases specially cooked for the occasion and present them unsupported by other testimony save the mere assertion of the operator. What honest man could stand against such fearful odds?

With the ample facilities which we now have for bringing new discoveries to the notice of the profession through medical societies and medical periodicals, does not an obligation rest upon all pioneers to avail themselves early of such opportunities to put their claims upon record? Does not a failure to do this justify the presumption either of a lack of proper appreciation of the value of the thing discovered or a culpable indif-

ference and negligence? After a reasonable period has elapsed is it not just and equitable to exclude all such lapsed claims from further consideration?

A careful review of the subject which I have thus briefly and imperfectly presented, has led me to the conclusion that there is need for a statute of limitation in medicine and surgery to define the rights of contesting claimants, and to protect the true discoverer against the cunningly devised schemes of any false one. In the minds of honorable gentlemen of the medical profession the world over, this want is not unsupplied. There *is* an unwritten statute of limitation of full and binding force in every civilized land and wherever medicine as a science is recognized and cultivated. This statute requires that early and ample notice shall be publicly given of all claims to new discoveries and inventions, accompanied by such reported particulars as shall clearly define the nature and extent of the claim. It requires that the claimant shall deal frankly and honestly with the profession, withholding nothing and making no misrepresentations. It requires that the claimant shall clearly recognize the value of his discovery, and diligently urge it upon the attention and recognition of the profession. It requires that all this shall be done within a reasonable, but as yet not definitely fixed, period of time. For a failure to comply with these reasonable requirements the statute provides a penalty also, and declares such delinquent claimants to be forever barred.

